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2  
3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 JOSHUA J. FLORES,

7 Plaintiff,

8 v.

9 MESA AIRLINES, INC.,

10 Defendant.

Case No. 2:20-cv-01121-KJD-DJA

11 **REPORT AND RECOMMENDATION**

12 The Court previously granted Plaintiff's request to proceed *in forma pauperis* and screened  
13 the complaint pursuant to 28 U.S.C. § 1915. (ECF No. 5). In doing so, the Court found that  
14 Plaintiff's complaint was deficient. (*Id.*). As a result, the Court dismissed Plaintiff's complaint on  
15 July 16, 2020 and granted Plaintiff leave to amend the complaint, requiring that an amended  
16 complaint be filed within 30 days, which has since passed. (*Id.*). The Court stated, "**Failure to**  
17 **comply with this order will result in the recommended dismissal of this case.**" (*Id.*). To date,  
18 the Court has not received an amended complaint or any request to extend the deadline for filing  
one.

19 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without  
20 prejudice.

21 **NOTICE**

22 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be  
23 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The  
24 Supreme Court has held that the courts of appeal may determine that an appeal has been waived  
25 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142  
26 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file  
27 objections within the specified time and (2) failure to properly address and brief the objectionable  
28 issues waives the right to appeal the District Court's order and/or appeal factual issues from the

1 order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*  
2 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

3  
4 DATED: August 17, 2020.

A handwritten signature in blue ink, appearing to read 'D. Albrechts', is written over a horizontal line.

DANIEL J. ALBRECHTS  
UNITED STATES MAGISTRATE JUDGE